

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6979**

**BILL NUMBER:** SB 435

**NOTE PREPARED:** Jan 4, 2013

**BILL AMENDED:**

**SUBJECT:** Insanity Defense.

**FIRST AUTHOR:** Sen. Alting

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** This bill provides that at least one psychiatrist or psychologist must be appointed by a court to examine a defendant who raises the defense of insanity. (Current law requires that at least one psychiatrist must be appointed.) It provides that a court-appointed psychiatrist, psychologist, or physician appointed to examine a defendant who raises the defense of insanity must have expertise in determining insanity. It also corrects a reference to the State Psychology Board.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Summary-* Depending on how often criminal defendants choose to plead not guilty for reason of insanity, this bill could reduce the time required to evaluate a defendant. More timely evaluations and trials could help to reduce the jail population awaiting trial.

Generally, forensic psychologists are paid between \$150 and \$200 per hour, while psychiatrists charge between \$250 and \$400 per hour. The actual cost for an evaluation will depend on the amount of time that the mental health professional spends with the defendant.

**Background** – This bill only applies to cases where a defendant wishes to plead not guilty due to insanity.

Courts report that they are experiencing trouble securing psychiatrists to evaluate criminal defendants who choose to plead insanity. As a result, criminal trials are delayed as courts must wait to be able to schedule a psychiatrist to examine the defendant. Consequently, criminal defendants are often detained in local jails until a psychiatrist is available.

Of the 44 counties that use the Odyssey Case Management System, there have been at least 37 criminal or juvenile cases in which a notice of insanity defense has been filed between 2007 and 2012. The following two tables show the types of cases and the counties in which an insanity defense has been filed between CY 2007 and 2012.

<b>Counties In which an Insanity Defense Has been filed</b>							
<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Grand Total</b>
Clark					1		1
Elkhart						1	1
Floyd					2	2	4
Greene					1		1
Hamilton			2	1			3
Monroe	1	5	4	4	7	3	24
Posey						3	3
<b>Grand Total</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>9</b>	<b>37</b>

<b>Types of Cases In Which An Insanity Defense Has Been Filed</b>							
<b>Type of Crime</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>Grand Total</b>
Misdemeanor			3		1	1	5
Class A Felony		1	2			1	4
Class B Felony	1	2		3	2	2	10
Class C Felony			1	1	2	1	5
Class D Felony					4	4	8
Juvenile Delinquency				1			1
Murder		2			2		4
<b>Grand Total</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>9</b>	<b>37</b>

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts.

**Information Sources:** Thomas Felts, Allen Circuit Court; Steven Ross, PsyD, HSPP.; Indiana Supreme Court Odyssey Case Management System

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